

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/995,278

Applicant(s)

SALIBA ET AL.

Examiner

Yehdega Retta

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Yehdega Retta/
Primary Examiner, Art Unit 3622

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant states that when a user entity 52 links to a billing entity 56 to present a detailed bill Applicant argues that the billing entity presents a detailed bill and not a new page that incorporates the user-specific data and that identifies the hosting entity. Examiner likes to point out that the detailed bill is a new page which includes user specific data and that identifies the hosting entity. The difference is whether the new page is presented, to the particular user, at the third party's network site (biller's site) that incorporates the user-specific data and that identifies the hosting entity (the banking entity), or at the hosting entity.

Applicant's invention as disclosed in the specification is as follows:

[0008] This invention concerns a system and method for enabling a financial institution, such as a bank, to present a group of financial services to its customers via a Web site, even though the financial institution may not in fact host some of the financial data that it represents on its Web site to its customers. In providing the services, including those supported by a third party provider, the financial institution would like to offer the data as if it alone were serving the data to the customer. Accordingly, the financial institution contracts with the third party to integrate its resources with the financial institution's Web site offerings.

[0009] According to one aspect of this invention, the financial institution has a Web server to support its Web site. The server presents a home page that allows its customers to select different services, such as examining a checking or savings account balance, or conducting a funds transfer. These services are supported locally at the financial institution's Web site. The home page also offers, however, an option to view customer-specific data, such as the customer's personal billing statements that are collected from a variety of different billers (e.g., phone bill, gas bill, cable TV bill, etc.). The customer-specific data is located at the third party provider, which is independent from the financial institution.

[0010] The third party also has a server that supports its own Web site. The server stores the customer-specific data offered by the financial institution and can provide that data to a customer of the financial institution any time the customer accesses the third party's Web site. The same data is also made available to the customer through the financial institution's Web site. When the customer is logged onto the financial institution's Web site, the financial institution would like to offer this same data without having the customer feel like he/she has left the financial institution's Web site to access the third party's Web site. Accordingly, when the customer activates the option on the financial institution's home page for viewing the customer-specific data, the financial institution's Web server links to the third party's server to access the customer-specific data without exposing this transfer to the customer.

[0011] There are many different degrees of integration between the financial institution's server and the third party's server. According to one implementation for a low level of integration, the financial institution's server hands off the customer to the third party's server by addressing the third party's site URL (universal resource locator). The financial institution's server sends along its own identity, some branding indicia (e.g., logo, background, color), and a customer ID. The third party's server uses the customer ID to retrieve the data belonging to the customer. The third party's server then employs the bank's ID and branding indicia to present the data in a Web page that is formatted, branded, and styled to resemble the financial institution's own Web pages. In this manner, the data is presented in such a way that the customer is led to believe that the financial institution is still sponsoring the customer-specific data rather than the third party.

Ganesan failed to teach that when the user links to the third party (biller) the financial institution (host) server sending along its own identity and some branding indicia which the third party server employs the bank's ID and branding indicia to present the data in a Web page that is formatted, branded and styled to resemble the financial institution's own Web pages.

Tobin (same as applicant's branding) teaches when browsing a Web sites which is a Web server, the URL of the Web server appears rather than the URL of the of the pointing Web site, which clearly indicates that the consumer will be dealing with a different Internet site, possibly an Internet site the consumer is unfamiliar with (see col. 5 lines 30-45). Further Tobin teaches to resolve the problem of dynamic customization of Internet sites participating in the PC Flowers & Gifts program of marketing services, PC Flowers & Gifts has completely redesigned its Web site pages to be extremely user friendly and its hypertext links to be configured in a database format. The data format of hypertext links enables development of "private label" and "co-branding floral and gift services that can be customized for many of the major web sites and Internet and online services. Tobin further teaches for example if a consumer were to visit one of the private label floral and gift services home page of the Internet site "Homearts", all the graphics and product categories on each of the PC Flowers & Gifts Web site pages, available through a hypertext link from a Homearts Web site, are fully customized in graphic and content format to reflect only the Homearts brand name (see col. 5 line 18 to col. 6 line 19). Tobin as another example teaches all graphics and product categories on each of the PC Flowers & Gifts Web site pages, available through a hypertext link from a Path-finder Web site are partially customized in graphic and content format to reflect both the PC Flowers & Gifts and Pathfinder brand names... so as to take advantage of the consumer's familiarity with the participants Internet site. Tobin further teaches referring to Fig. 11, the home page image map 11001 herein is a grouping of the hypertext links 108-112, which point to Web site pages that are dynamically created to reflect preferences of the

marketing partner, which in this instance is Pathfinder. . . Accordingly, all the server Web site pages accessed through the home page image map 1101 (same as applicant's billers) lead to PC Flowers & Gifts Web site pages that have been customized with graphic, text, or navigational features according to Pathfinder's preferences; for example the header 1116 is customized to include the Pathfinder brand 1116' (same as applicant's Bank name and logo) and the navigational features 1102 of the Pathfinder Internet site are retained and such a co-branding of Web site pages takes advantage of the client's existing relationship and familiarity with the marketing partner, Pathfinder. (see 9 lines 5-50).

Therefore Tobin teaches when a user clicks on a link of a host web site, the third party (any hypertext link from the host) uses the identity and branding indicia of the host and presents to the user Web page that is formatted, branded, and styled to resemble the Host's own Web pages. Tobin clearly teaches the branding or co-branding of Web site pages.